

REMARKS

The above-identified application is United States application serial number 09/737,435 filed on December 11, 2000. Claims 1, 6-10, 15-17, 19-28-30, 43-44, and 46-51 are rejected under 35 U.S.C. 102(e) as being anticipated by Guedalia et al. (US 2001/0043684). Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Guedalia et al. in view of Kaufman (US 6,654,367). Reconsideration of these rejections is requested in view of the remarks below.

Rejection of Claims Under 35 U.S.C. §102

Independent Claim 1 has been amended to incorporate a feature of Claim 19. Claim 19 has been canceled. Claim 1 sets forth "receiving from the user a selection of a first description from among the plurality of descriptions; and automatically placing a voice call to play a first audio content described by the first description in response to the selection." (Emphasis added). In contrast, Guedalia does not teach or suggest automatically placing a voice call to play a first audio content in response to the selection of the first description. The user of the Guedalia device must make the selection after the voice call has already been made; the call is not placed automatically in response to the selection as in claim 1. Paragraph [0139] in Guedalia teaches allowing the user to enter and store the locations of audio content selections on a server, and/or to select from locations of audio content predefined on the server. Guedalia Paragraph [0141] teaches making a telephone call, providing identifying information for the user, and then retrieving and presenting the stored audio content selections to the user during the telephone call. The content is played once the user makes a selection. The telephone call in Guedalia is not placed automatically in response to selection of a first description.

Guedalia Paragraph [0014] teaches the user making the telephone call at a later time once the user selects the location of the audio content he would like to receive. Guedalia Paragraph [0014] requires manual input from the user and therefore does not disclose or suggest placing the voice call automatically in response to the selection of the description. Claim 1 is distinguishable from Guedalia for at least these reasons.

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Claims 6-10 and 15-17 depend from Claim 1 and include features that further distinguish them from the cited references.

In particular, Claim 15 sets forth terminating the voice call on completion of playing of the first audio content. Guedalia paragraph [0158] was cited as teaching this feature, however, the cited portion of Guedalia only teaches sending a marked portion of content to an email address for later retrieval. Sending and retrieving email does not teach or suggest terminating a voice call on completion of playing the first audio content. Claim 15 is distinguishable from Guedalia for at least these additional reasons.

Regarding Claim 16, Paragraph [0013] of Guedalia does not teach suspending the data connection during the voice call. Paragraph [0013] instead teaches allowing the user to access personal preferences from a database via telephone, selecting the content to be played from the telephone, and retrieving the content from the Internet once a selection is made to listen to the content. Thus, both the data connection to the Internet and the telephone must be enabled simultaneously with the Guedalia device. (See, for example, Guedalia Paragraph [0011]).

Independent Claim 28 has been amended to include "automatically placing a voice call to play the audio content in response to the command", similar to Claim 1. Claim 28 is distinguishable from Guedalia for at least the same reasons as Claim 1.

Claims 29 and 30 depend from Claims 28 and include features that further distinguish them from the prior art. Allowance of Claims 1, 6-10, 15-17, and 28-30 is respectfully requested.

Regarding Claim 43, Guedalia does not teach or suggest "returning to using the data connection to receive the descriptions of audio content in response to completion of the voice call." Guedalia Paragraph [0158] teaches sending a marked portion of content to an email address for later retrieval. Sending and retrieving email does not teach or suggest returning to using the data connection to receive the descriptions of audio content in response to completion of the voice call. Claim 43 is distinguishable from Guedalia for at least these reasons.

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Claims 44-51 depend from Claim 43 and include features that further distinguish them from the prior art. Allowance of Claims 43-51 is respectfully requested.

CONCLUSION

In view of the amendments and remarks set forth herein, Applicant believes Claims 1, 6-10, 15-17, 28-30, and 44-51 are in form for allowance and a notice to that effect is solicited. Claim 19 has been canceled. No new matter has been added. In the event it would facilitate prosecution of this application, the Examiner is invited to telephone the undersigned at (949) 251-0250.

I hereby certify that this correspondence is being facsimile transmitted to the USPTO, Central Number at (703) 472-9305 on the date shown below

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Respectfully submitted,

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